

**2003 DRAFTING REQUEST**

**Bill**

Received: **07/18/2003**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **TNF, PJH**

Submit via email: **YES**

Requester's email: **Rep.Ladwig@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Prohibit cell phone use by persons driving under probationary license or instruction permit

---

**Instructions:**

Wants bill to prohibit persons driving under probationary license or instruction permit from using a cell phone while driving

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 07/18/2003	jdye 07/21/2003		_____			
/P1			rschluet 07/21/2003	_____	sbasford 07/21/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	agary 07/22/2003	wjackson 07/22/2003	pgreensl 07/22/2003	_____	amentkow 07/22/2003	mbarman 08/06/2003	

FE Sent For:

&lt;END&gt;



Not  
Needed

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07/22/2003 11:45:01 AM

Page 2

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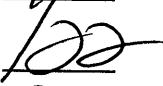

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1/?	agary	PI 7/21/03					
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FE Sent For:

&lt;END&gt;

See  
turned  
in 7/18

+ jld  
D-Ne te

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

- 1 AN ACT *to amend* 346.95 (1); and *to create* 346.89 (3) of the statutes; relating  
2 to: operating a motor vehicle while using a cellular telephone or other wireless  
3 telecommunications device and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

Current law prohibits inattentive driving, which means that a driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

This bill prohibits a person driving under an instruction permit or a probationary license from operating a motor vehicle while using a cellular telephone or other wireless telecommunications device (cellular phone). (A probationary license is, with certain exceptions, issued to all applicants for an original driver's license and remains in effect for two years from the date of the licensee's next birthday.) The prohibition applies regardless of whether the cellular phone is hand-held, installed in the vehicle, or otherwise situated, and regardless of whether use of the cellular phone interferes with operation of the vehicle. Persons who violate this prohibition may be required to forfeit not less than \$20 nor more than \$40 for a first offense, and not less than \$50 nor more than \$100 for a second or subsequent offense within one year.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***



**SECTION 1.** 346.89 (3) of the statutes is created to read:

**346.89 (3)** No person who holds a probationary license issued under s. 343.085, or an instruction permit issued under s. 343.07, may operate a motor vehicle while using a cellular telephone or other wireless telecommunications device.

**SECTION 2.** 346.95 (1) of the statutes is amended to read:

346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2) or (3), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) or (15) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

**SECTION 3. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.

**(END)**

D-Note

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3001/P1dn

ARG:.....

↑  
jld

Do you want the attached draft to include an exception that a cellular phone may be used to report an emergency?

There is another way to approach this issue, which is to create a restriction on those persons operating under probationary licenses and instruction permits similar to the restrictions under ss. 343.07 (1)✓ and 343.085 (2m).✓ This approach, however, would result in a probationary driver being restricted from using a cellular phone while driving only for the first nine months of the probationary license, not for the full period of the probationary license. This approach would also result in different penalties and a few exceptions to the general prohibition.

The attached draft includes a delayed effective date of approximately six✓ months to allow DOT time to make necessary changes in its driver licensing program and to allow driver education and training courses time to incorporate the restrictions into the curriculum before the law goes into effect. Is this okay?

Please let me know if you would like any changes made to the attached draft. If the attached draft meets with your approval, please let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3001/P1dn  
ARG:jld:rs

July 21, 2003

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7/21/03  
03-3001

H/c w/ Rep. Cadogan

- re: D-Note, include the exception  
for reporting an emergency



State of Wisconsin  
2003 - 2004 LEGISLATURE

soon  
turned  
in 7/22

LRB-3001/1 /  
ARG:wljld:1A

CMR

D-Note

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except to report an emergency

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12       publication.

13       (END)

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D-Note

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FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3001/1dn

ARG:.....

WLj

The attached draft is identical to LRB-3001/P1 except that it includes an exception for reporting an emergency.

Aaron R. Gary  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3001/1dn  
ARG:wlj:pg

July 22, 2003

The attached draft is identical to LRB-3001/P1 except that it includes an exception for reporting an emergency.

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**Basford, Sarah**

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**From:** Hale, Janine  
**Sent:** Tuesday, August 05, 2003 4:23 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-3001/1 Topic: Prohibit cell phone use by persons driving under probationary license or instruction permit

It has been requested by <Hale, Janine> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3001/1 Topic: Prohibit cell phone use by persons driving under probationary license or instruction permit